

SEC. 604. (a) The Administrator of the National

2 Aeronautics and Space Administration, the Secretary of
3 Defense, and the heads of other Federal agencies are
4 authorized to provide assistance to system operators under
5 the provisions of this Act. Substantial assistance, such as
6 launch services, shall be reimbursed by the system operator.

(add) Reimbursements for such assistance under the provisions
of this Act shall be credited to the appropriations against which
charges have been made for providing such assistance.

7 (b) The Secretary may allow a licensee under section
8 403, or any other private sector party, to buy or otherwise
9 acquire the use of equipment from the Landsat system, when
10 such equipment is no longer needed for the operation of that
11 system or for the sale of data from that system. Officials
12 of other Federal civilian agencies are authorized and
13 encouraged to cooperate with the Secretary in carrying out
14 this subsection.

RADIO FREQUENCY ALLOCATION

15
16 SEC. 605. The Federal Communications Commission and the
17 Secretary are encouraged to allocate to any license holder
18 under title IV of this Act access to Government radio
19 frequencies and other civil radio frequencies appropriate
20 for space remote-sensing systems in a timely manner
21 consistent with international obligations and with the
22 national interest.

CONSULTATION

23
24 SEC. 606. (a) The Secretary shall consult with the
25 Secretary of Defense on all matters under this Act affecting

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[DOD Suggested
Changes]

1 national security. The Secretary of Defense shall be
2 responsible for identifying and notifying the Secretary of
3 those national security concerns of the United States which
4 are relevant to activities under this Act.(add) The Secretary
of Defense shall determine those conditions necessary to
impose on any system operator to meet national security
concerns of the United States.

5 (b)(1) The Secretary shall consult with the Secretary of
6 State on all matters under this Act affecting international
7 obligations. The Secretary of State shall be responsible for
8 identifying and notifying the Secretary of those
9 international obligations of the United States which are
10 relevant to activities under this Act. (add) The
Secretary of State shall determine those conditions necessary
to impose on any system operator to meet international
obligations of the United States.

11 (2) The Secretary of State is authorized and encouraged
12 to provide land remote-sensing data, technology, and
13 training to developing nations as a component of programs of
14 international aid.

15 ~~(c)(1) The Secretary is authorized to make ---~~
~~(delete entire paragraph)~~
16 ~~determinations as to the appropriateness and reasonableness~~
17 ~~of conditions based on national security or international~~
18 ~~obligations which Federal agencies may seek to impose on any~~
19 ~~system operator.~~

(Page 31 continued next page)

20 (c) ~~(2)~~ If, as a result of conditions imposed on a system
21 operator on the basis of national security or international
22 obligations, the Secretary (insert)

-- in consultation with the Secretary of
Defense or the Secretary of State, as the case may be,

determines that additional costs
23 will be incurred by the system operator, or ~~investments will~~
(replace with)
24 ~~be lost to~~

that past development costs,
including the cost of capital, will not be recovered by

the system operator, the Secretary may require
25 the agency or agencies requesting such conditions to

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1 reimburse the system operator for such ~~additional costs or~~
(change to read)
2 ~~lost investments~~

costs, excluding anticipated profits.

3

RELATION TO OTHER LAWS

4 SEC. 607. The requirements of this Act are in addition
5 to, and not in lieu of, any other provision of law.

* * *No other changes * * * *

COMMENTS ON H.R. 4836

1. Page 30, Sec 604, para (a), line 6: Add the following sentence: Reimbursements for such assistance under the provisions of this Act shall be credited to the appropriations against which charges have been made for providing such assistance.

Rationale: The intention is to insure that the agency which provides the assistance is credited with the amount of the reimbursement for such assistance.

2. Page 31, Sec 606.

Para (a), line 4: Add the following sentence: The Secretary of Defense shall determine those conditions necessary to impose on any system operator to meet national security concerns of the United States.

Para (b)(1), line 10: Add the following sentence: The Secretary of State shall determine those conditions necessary to impose on any system operator to meet international obligations of the United States.

Para (c)(1), line 15: Delete entire paragraph.

Para (c)(2), line 20: Renumber as paragraph (c).

Rationale: To explicitly state that the Secretary of Defense and Secretary of State are responsible for establishing conditions concerning national security and international obligations, respectively.

3. Pages 31 and 32, Sec 606, para (c)(2)

Page 31, line 22: Between the words "Secretary" and "determine" insert "in consultation with the Secretary of Defense or the Secretary of State, as the case may be,"

Page 31, lines 23 and 24: Replace the phrase "...investments will be lost to..." with "that past development costs, including the cost of capital, will not be recovered by."

Page 32, lines 1 and 2: After the word "such" change the sentence to read "costs, excluding anticipated profits."

Rationale: To eliminate any ambiguity concerning the use of the word "investment" and to eliminate any suggestion that reimbursement could include an amount for anticipated profits since anticipated market revenues are too speculative for reasonable determination.